

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----	X	
In re	:	Chapter 11
	:	
AMR CORPORATION, <i>et al.</i> ,	:	Case No. 11-15463-SHL
	:	
Debtors.	:	(Jointly Administered)
-----	X	
ALLIED PILOTS ASSOCIATION,	:	
Plaintiff-Appellant,	:	
v.	:	Adv. Proc. No. 12-01094 (SHL)
AMR CORPORATION and	:	
AMERICAN AIRLINES, INC.,	:	
Defendants-Appellees	:	
-----	X	

**APPELLANT APA’S STATEMENT OF ISSUES ON APPEAL
AND DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD**

Pursuant to Fed. R. Bankr. P. 8006 and Local Bankr. R. 8007-1, the Allied Pilots Association (“APA”), Plaintiff-Appellant in the above-captioned adversary proceeding, respectfully submits this statement of issues to be presented and designation of the items to be included in the record on appeal.

I. Issues Presented

1) Given that the 2003-2008 CBA between the APA and American expired by its own terms on May 31, 2008, when the contractual conditions for expiration were intentionally met by American’s timely service of a notice forestalling any subsequent renewal of the contract, may a bankruptcy court refuse to give effect to the CBA’s express duration and renewal language and, instead, deem APA and American to be party to a current contract that may be assumed or rejected under 11 U.S.C. §1113?

2) Does Section 1113(c) of the Bankruptcy Code authorize the Debtors to “reject” the objective post-expiration working conditions imposed by federal law on both American and its pilots as part of the status quo under the Railway Labor Act?

II. Designation of Record

The APA designates the following items for inclusion in the appellate record. Unless otherwise noted, all references are to docket entry numbers of electronically filed documents in Adversary Proceeding No. 12-01094 (SHL).

1. ECF No. 1: APA’s Complaint.
2. ECF No. 2: Summons and Notice of Pre-Trial Conference.
3. ECF No. 7: Defendants’ Notice of Hearing on Motion of Debtors to Dismiss Complaint.
4. ECF Nos. 7-1 through 7-15: Exhibits to Defendants’ Notice of Hearing on Motion of Debtors to Dismiss Complaint.
5. ECF No. 13: APA’s Motion for Summary Judgment.
6. ECF No. 14: APA’s Memorandum of Law in Opposition to Debtors’ Motion to Dismiss and in Support of APA’s Motion for Summary Judgment.
7. ECF No. 15: APA’s Statement of Material Facts as to Which There is No Genuine Dispute.
8. ECF Nos. 15-1 through 15-3: Exhibits to APA’s Statement of Material Facts as to Which There is No Genuine Dispute.
9. ECF No. 18: Debtors’ Reply in Support of Their Motion to Dismiss and in Opposition to the APA’s Motion for Summary Judgment.
10. ECF No. 19: Debtors’ Response to Plaintiff’s Statement of Material Facts
11. ECF No. 20: APA’s Response to Debtors’ Statement of Facts

12. ECF No. 22: Official Committee of Unsecured Creditors' Brief
13. ECF No. 27: Memorandum of Decision
14. Transcript of April 22, 2012, Hearing on Cross Motions, a true and correct copy of which is attached hereto as Exhibit 1.

Dated: May 3, 2012

Respectfully submitted,

Edgar N. James (admitted pro hac vice)
Kathy Krieger (admitted pro hac vice)
David P. Dean (admitted pro hac vice)
Darin M. Dalmat (admitted pro hac vice)
Daniel M. Rosenthal (admitted pro hac vice)
JAMES & HOFFMAN, P.C.
1130 Connecticut Ave., N.W., Suite 950
Washington, DC 20036
Tel: (202) 496-0500
Facsimile: (202) 496-0555

/s/ Joshua R. Taylor
Filiberto Agusti
Joshua R. Taylor (admitted pro hac vice)
STEPTOE & JOHNSON LLP
1330 Connecticut Ave., NW
Washington, DC 20036
Tel: (202) 429-3000
Facsimile: (202) 261-0658

Attorneys for the Allied Pilots Association